

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 108.236.119)

Applicant or
Patentee: COLUCCI et al

Serial No. 09/476,485

Filed or
Issued: December 30, 1999



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For: PROGENITOR CELL PRESERVATION FACTORS AND METHODS FOR AND
PRODUCTS OF THEIR USE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. § 1.9(f) AND § 1.27(c) - SMALL BUSINESS CONCERN)

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: **Phylogix LLC**
ADDRESS OF SMALL BUSINESS CONCERN: c/o Foundation for Blood Research
69 US Route One
Scarborough, ME 04074

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.12 and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the business concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third part or parties controls or has the power to control both.

I hereby declare that the rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled

**PROGENITOR CELL PRESERVATION FACTORS AND METHODS FOR AND
PRODUCTS OF THEIR USE**

by the inventors, M. Gabriella Colucci, Maarten J. Chrispeels and Jeffrey G. Moore, described in

☐ the specification filed herewith

☒ Application Serial No. 09/476,485, filed December 30, 1999.

☐ Patent No. _____, issued _____.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d), or a nonprofit organization under 37 C.F.R. §1.9(e).

FULL NAME ImClone Systems Incorporated
ADDRESS 180 Varick Street, New York, NY 10014

☐ Individual ☒ Small Business Concern ☐ Nonprofit Organization

FULL NAME The Regents of the University of California
ADDRESS 9500 Gilman Drive, LaJolla, California 92093-0910

☐ Individual ☐ Small Business Concern ☒ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing therein, or any patent to which this verified statement is directed.

Jeffrey G. Moore
NAME OF PERSON SIGNING

President
TITLE IN ORGANIZATION

7 Pearl Street, Kennebunkport, ME 04046
ADDRESS OF PERSON SIGNING

Signature

Date:

3/28/00